

Transfer of Development Rights (TDR) Program

Receiving Site Review Process

A DDES Customer Information Bulletin

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<http://www.metrokc.gov/ddes/>

Frequently Asked Questions

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are the final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that each project meets all requirements of applicable codes and regulations.

What is the Transfer of Development Rights (TDR) Program?

The Transfer of Development Rights (TDR) Program is a process that allows potential residential development that could be built on one piece of property to be transferred to another piece of property. This transfer is an effort to preserve land for forestry or farming, regional trails or open space, habitat for federally listed species, or urban separators.

This bulletin addresses the Transfer of Development Rights (TDR) Program codified in K.C.C. chapter 21A.37. This program was previously called the Transfer of Development Credits (TDC) program, which was a three-year pilot program. The TDC program has been converted to a permanent program and renamed the Transfer of Development Rights (TDR) program. The Transfer of Residential Density Credits (TDR) Program, which was codified in K.C.C. chapter 21A.36, has been repealed.

What is the purpose of the TDR program?

The TDR Program was developed for the following reasons:

- ◆ To create a new, voluntary, incentive-based process for preserving lands which provide a public benefit;
- ◆ To give landowners an opportunity to receive a financial benefit from their property without having to develop or sell it;
- ◆ To focus residential development on areas capable of handling additional density and minimize impacts to the environment and public services; and
- ◆ To provide developers with a way to achieve the maximum density provisions of the zoning code as called for by the King County Comprehensive Plan.

What are development rights?

Development rights are a property's unused residential development potential.

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What is a TDR receiving site?

The TDR receiving site is the property where the development rights are transferred to.

What is a TDR sending site?

The TRD sending site is the property from which all or a portion of the potential residential density has been removed.

How can you put extra residential development on a piece of property? Is that a zoning violation?

King County Code chapter 21A.12 establishes three levels of residential development density for property; a base density, a minimum density and a maximum density.

- ◆ The base density is a density established by the zoning classification assigned to the property and is expressed in dwelling units per acre.
- ◆ The minimum density is the number of residential units that must be built on property zoned R-4 through R-48 in order to achieve the level of density required under the Growth Management Act. The minimum density is expressed as a percentage of the base density and ranges from 65% to 85% of the base density.
- ◆ The maximum density is an amount of extra density that has been established for property zoned R-4 through R-48, NB, CB, RB, O, RA-2.5 and RA-5. This extra density can be achieved through the Residential Density Incentives (RDI) Program in K.C.C. chapter 21A.34 or the TDR Program in K.C.C. chapter 21A.37. This allows a property to be developed to a density that is up to 200% of the base density depending on the program and its criteria.

Can a single receiving site participate in both programs?

Yes. Both of these programs, Residential Density Incentives (RDI) and Transfer of Development Rights (TDR), can be combined on a single site. The maximum densities can be achieved through a combination of density transfers and density incentives.

Can a TDR receiving site accept residential development rights from more than one TDR sending site?

Yes. Receiving sites may utilize development rights from one or more sending sites.

What properties are eligible to be TDR receiving sites?

To qualify as a receiving site, the property must meet the following criteria:

- ◆ Be unincorporated King County urban land zoned Residential 4 through 48 dwelling units per acre (R-4 through R-48), Neighborhood Business (NB), Community Business (CB), Regional Business (RB), or Office (O);
- ◆ Be a King County incorporated municipal jurisdiction where new growth is encouraged under the Washington State Growth Management Act (GMA) or Countywide Planning Policies. An interlocal agreement is required between King County and the city when TDR development rights are transferred to a city; or
- ◆ Be unincorporated King County rural land zoned Rural 2.5 or 5 acres per dwelling unit (RA-2.5 and RA-5), which may receive development rights transferred only from a certified Rural Forest Focus Area sending site.

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In addition, rural receiving sites must fulfill the following requirements:

- ◆ Be able to be served by a Group A public water system;
- ◆ Be located within one-quarter mile of an existing predominate pattern of rural lots smaller than five acres in size;
- ◆ Not adversely impact regionally or locally significant resource areas or environmentally sensitive areas;
- ◆ Not require that public services and facilities be extended to create or encourage a new pattern of smaller lots; and
- ◆ Not be located on Vashon or Maury islands; or
- ◆ Not be located within the Seattle-Tacoma International Airport Noise Remedy Area; or
- ◆ Not be located within a Rural Forest Focus Area.

How do I acquire TDR if I want to add extra residential density to my development?

The acquisition of TDR is generally achieved through private party negotiations, in which the owner of TDR agrees to sell development rights to the developer of a TDR receiving site. The price for the development rights is determined between the seller and the buyer. King County Ordinance 13733 establishes a TDR bank whereby King County can purchase development rights from property owners whose sites qualify under the TDR bank criteria. For information on the TDR bank, contact **Mark Sollitto, of the King County Office of Regional Policy and Planning (ORPP), at (206) 205-0705.**

How do I find out who has TDR for sale?

Many owners of TDR are now setting up their own web sites. Key words for searching the web are “TDC”, “TDR”, “Transfer of Development Rights”, “Transfer of Development Credits”, “King County Code chapter 21A.55”, or “King County Code chapter 21A.37”. You may also contact **Kate Stenberg, at the Office of Regional Policy and Planning, at (206) 296-3441.**

How do I determine if my property qualifies as a TDR receiving site?

Qualification of a TDR receiving site is determined by the Department of Development and Environmental Services (DDES) during a subdivision or multifamily building permit review. A property owner who anticipates including TDR in a development proposal should schedule a pre-application meeting with staff from DDES. Call (206) 296-6600 to schedule a pre-application meeting for a plat or short plat. Call (206) 296-6760 to schedule a pre-application meeting for a multifamily building permit.

What do I need to submit with my development proposal application if it is proposed to be a TDR receiving site?

In addition to the complete application requirements for the development proposal, the following must also be submitted with the application:

- ◆ A copy of the “TDR Letter of Certification” issued in the name of the applicant, verifying that the sending site has been approved by the TDR Interagency Review Committee, or a TDR Certificate issued in the name of the applicant; OR
- ◆ A copy of the “TDR Letter of Certification” issued to another individual, verifying that the sending site has been approved by the TDR Interagency Review Committee, or a TDR Certificate issued in the name of another individual, along with a copy of an option to purchase the TDR. The option to purchase must identify the specific TDR development rights that are being purchased.

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When does a TDR certificate issued in the name of the applicant need to be provided if it is not provided at the time of submittal for the development proposal?

If the development proposal is a subdivision, a TDR Certificate issued in the name of the applicant must be provided prior to approval of the engineering plans for the subdivision or before final recording if no engineering review is required. If the development proposal is a building permit, the TDR certificate must be provided prior to issuance of the permit.

If the development proposal included a certificate issued for more than the number of the development rights to be issued with this development proposal, the applicant must have the certificate reissued for only the number of development rights that will be used and a new certificate issued for the remaining unused TDR development rights. The certificate for the TDR development rights being used in the development proposal is retired when the plat or short plat is recorded or when the building permit is issued.

How can I find the location of approved TDR sending sites and receiving sites?

The DDES Geographic Information Services (GIS) section maps the approved TDR sending sites and approved receiving sites on the GIS computer maps. They may be accessed at the following web site address: <http://www.metrokc.gov/ddes/>.

How does the public know that a TDR receiving site is proposed?

The Department of Development and Environmental Services provides public notice when it receives an application for a development proposal that includes utilizing TDR. This includes posting a notice board on the site, mailing a notice to property owners located within 500 feet of the site, and publishing information on the application in local newspapers. This provides the public with an opportunity to comment on the development proposal.

Where can I get more information about the review process for a Transfer of Development Rights (TDR) receiving site?

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